

HORLIN et al  
Serial No. 09/712,123

**BEST AVAILABLE COPY****REMARKS**

By the current amendment, Applicants basically:

1. Thank the Examiner for the allowance of claims 7-12 and 18-24.
2. Thank the Examiner for the indication of allowable subject matter in claims 4-6 and 14-17.
3. Rewrite claims 4 – 6<sup>1</sup> as independent claims, including all limitations of (now cancelled) original independent claim 1.
4. Amend dependent claims 2 – 3 to depend from amended independent claim 4.
5. Add new dependent claims 25 – 26, corresponding to dependent claims 2 – 3 but now dependent upon 5.
6. Add new dependent claims 27 – 28, corresponding to dependent claims 2 – 3 but now dependent upon 6.
7. Rewrite claims 14 and 15 as independent claims, including all limitations of (now cancelled) original independent claim 13.
8. Cancel claims 1 and 13 without prejudice or disclaimer.
9. Respectfully request a two-month extension of time.

**B. 35 CFR 1.75 AND CLAIMS 5 AND 16**

The cryptic comment at the end of enumerated paragraph 3 of the Office Action appears to raise an objection re claims 5 and 16. However, it is respectfully pointed out that the objections to claims 5 and 16 were rectified in the previous amendment.

**C. OMITTED INITIAL ON IDS POT-1449**

It appears that the Examiner may have inadvertently overlooked initialing the WO 00/38380 reference listed on the IDS received on July 12, 2001 (see copy attached). A new

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<sup>1</sup> The Office Action is inconsistent regarding claim 6. While included in the prior art rejection along with claims 1 -3 and 13, there is no discussion of the grounds of rejection. Furthermore, the third enumerated paragraph of the Office Action expressly states that claim 6 is allowable.

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PTO-1449 which lists WO 00/38380 alone is also attached. It is respectfully requested that the Examiner initial the attached PTO-1449 to reflect consideration of WO 00/38380, and return the same to the undersigned.

**D. MISCELLANEOUS**

Applicant submits that all claims are patentably distinguishable over the applied art of record. The Examiner has ample bases for withdrawing all rejections and for allowance of all pending claims. Accordingly, a formal indication of allowance is earnestly solicited.

The Commissioner is authorized to charge the undersigned's deposit account #14-1140 in whatever amount is necessary for entry of these papers and the continued pendency of the captioned application.

Should the Examiner feel that an interview with the undersigned would facilitate allowance of this application, the Examiner is encouraged to contact the undersigned.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: 

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